

**FINDING OF NO SIGNIFICANT IMPACT**  
**regarding**  
**Issuance of an Endangered Species Act Section 10(a)(1)(B) Permit**  
**by the**  
**U.S. Fish and Wildlife Service**  
**for Incidental Take of the Bull Trout by the Broughton Land Company**  
**in conjunction with**  
**Implementation of the Native Fish Habitat Conservation Plan**  
**in Columbia County, Washington**

**INTRODUCTION AND DECISION SUMMARY**

The U.S. Fish and Wildlife Service (Service) proposes to issue an Incidental Take Permit (ITP) to the Broughton Land Company (BLC) for their Native Fish Habitat Conservation Plan (HCP), which addresses the threatened species bull trout (*Salvelinus confluentus*). The contents of an HCP are defined in section 10 of the Endangered Species Act (ESA) and its implementing regulations. Incidental take of the bull trout may occur during the BLC's forest management activities, farming operations, and grazing and livestock management on the 38,452 acres of lands they own in Columbia County, Washington. The HCP would be implemented by the BLC to minimize and mitigate to the maximum extent practicable the impacts of incidental take of the bull trout. Issuance of the ITP would be done under the authority of section 10(a)(1)(B) of the ESA, and would be conditioned upon proper implementation of the HCP. The proposed ITP has a term of 25 years from date of approval, and take authorization for the bull trout would be effective upon permit issuance.

In accordance with the requirements of the ESA, the BLC has submitted a conservation plan [entitled "Broughton Land Company Environmental Assessment and Native Fish Habitat Conservation Plan" (Plan)] to the Service as part of their application for an ITP. The Plan is comprised of the HCP developed by the BLC and their consultant, and an Environmental Assessment (EA) jointly completed by the Service and the National Marine Fisheries Service (NMFS). The Service has completed its review of the HCP, and prepared an intra-Service section 7 biological opinion, and Findings and Recommendations for issuance of the ITP; these documents, as well as the Plan, are herein incorporated by reference. The EA describes three alternatives that were identified by the Service as comprising a range of reasonable alternatives: (1) the No-Action Alternative; (2) the Farm and Rangeland Alternative; and (3) the Proposed Action Alternative. The Proposed Action Alternative was selected as the environmentally preferred alternative because it is likely to result in the greatest net benefit to the bull trout due to the conservation measures to be implemented by BLC under the HCP.

**DECISION RATIONALE**

The listed species covered by the HCP are presented in Table 1.

**Table 1. Native fish species covered by the HCP.**

Species	Federal Status
<i>Oncorhynchus tshawytscha</i> Snake River spring/summer Chinook salmon	Threatened
Snake River fall Chinook salmon	Threatened
<i>Oncorhynchus mykiss</i> Snake River Steelhead trout	Threatened
Middle Columbia River Steelhead trout	Threatened
<i>Salvelinus confluentus</i> Bull trout	Threatened

The Service has jurisdiction over the bull trout, and NMFS has jurisdiction over the salmon and steelhead species listed in Table 1. NMFS is preparing its analysis and findings for issuance of an ITP under separate documentation.

Following a comprehensive review and analysis of the Plan, the Service has selected the Proposed Action Alternative because it is likely to result in the greatest net benefit to the bull trout due to the conservation measures to be implemented by BLC under the HCP. The Proposed Action Alternative includes covered activities on all of the lands under the BLC's ownership. Mitigation measures are actions that avoid or reduce the potential adverse effects of a proposed activity on species covered by a HCP. These measures should address specific needs of the species involved and be manageable and enforceable. Mitigation measures may take many forms. In the case of the BLC HCP, the proposed mitigation measures include good land stewardship practices and the establishment of riparian buffers. The BLC will follow Washington State Forest Practices Rules, or better. The BLC will maintain riparian buffers, specifically Conservation Reserve Enhancement Program (CREP) buffers on forest lands for the life of the CREP contract, then monitor and manage livestock grazing to ensure maintenance of riparian vegetation. Other CREP buffers on BLC's agriculture land parcels will be maintained for life of the HCP. The BLC will undertake all general, site-specific and activity-specific measures described in Table 6 of the Plan to alleviate adverse effects to the bull trout caused by covered activities on BLC's farm, grazing and forest lands.

Implementation of the Proposed Action Alternative will exempt some incidental take of the bull trout, will provide long-term benefits to the bull trout, and is not expected to have any significant adverse effects to wetlands, floodplains, or to the human environment.

## DESCRIPTION OF ALTERNATIVES

The National Environmental Policy Act of 1969, as amended (NEPA) requires that a range of reasonable alternatives to the proposed action be described and evaluated. Three alternatives were identified by the Service as comprising a range of reasonable alternatives: (1) the No-Action Alternative; (2) the Farm and Rangeland Alternative; and (3) the Proposed Action Alternative. Two other alternatives were also considered but rejected, including one that did not result in the incidental take of any covered species. A summary of the components of each alternative is provided in Table 14 of the Plan, and briefly described below.

### **No Action Alternative**

Under the No-Action Alternative, the HCP would not be implemented, and the Service and NMFS would not issue an ITP for the listed species under their respective jurisdictions. The BLC's forest management practices would be subject to the Washington State Forest Practices Rules, which would include ITP coverage for steelhead and the bull trout under the State Forest and Fish HCP-related ITP only for the forestry activities (see subsection 2.5 of the Plan under "Relationship to Other Plans, Policies, and Laws"). The Washington State Forest Practices Rules do provide some protections for riparian zones, and limits roads and harvest. The BLC would continue to conduct its operations without ITP coverage for farming and grazing activities and, therefore, would not give the BLC the regulatory certainty it is seeking. However, the BLC's current land management practices and compliance with existing regulations (such as Washington State Forest Practices Rules) would likely result in either slow improvements to or maintenance of current riparian and stream conditions.

### **Farm and Rangeland HCP Alternative**

Under this alternative, the HCP would include only the BLC's non-forest farming and grazing lands and their agricultural operations. All of the management practices pertaining to grazing or farming presented under the Proposed Action Alternative would apply to BLC's non-forested lands. The BLC would implement conservation measures that would reduce or eliminate livestock access to riparian and stream areas on its agricultural and grazing land, and that would minimize sediment delivery into streams. The Service would issue an ITP to the BLC for the bull trout and the NMFS would issue an ITP for the Chinook salmon and steelhead in those covered areas. This alternative would give the BLC regulatory certainty for agriculture and grazing activities outside of its forest lands. The BLC could plan and implement its agricultural activities with regulatory certainty. Management on BLC-forested lands would be the same as management under the No-Action Alternative.

### **Proposed Action Alternative**

As the proposed action, the BLC's HCP is fully described in chapters 3 and 4, and the appendices of the Plan. The BLC HCP would be implemented to cover BLC forest management activities, farming operations, and grazing and livestock management within the covered area. The BLC would implement conservation measures that would reduce or eliminate livestock access to riparian and stream areas, decrease sediment movement into streams and rivers, and ensure ongoing conservation measures for the life of the HCP. The Service would issue an ITP to the BLC for the bull trout and the NMFS would issue an ITP for the Chinook salmon and steelhead. This alternative gives the BLC regulatory certainty for planning and management of its agricultural and forest management activities, and establishes a program that requires the BLC to be responsive to addressing site-specific problems related to the bull trout during the term of the ITP. No other alternative considered would result in this level of financial commitment or species conservation effort by the BLC.

### **Alternatives Considered But Not Analyzed in Detail**

Two alternatives were considered but rejected in the development of the HCP: (1) a wide-buffer HCP, that involves the establishment of 100-foot and 200-foot “no touch” riparian buffers along intermittent and perennial streams, respectively; and (2) a more generally stated no-impact HCP that would restrict farming and forestry activities through set-backs and activity reductions to the point that there would be no impact on listed fish species. Both alternatives would not have met the BLC’s purpose and need for an ITP because they would prevent the BLC from managing and using significant tracts of its land.

### **BLC INVOLVEMENT AND PUBLIC REVIEW**

The BLC developed the HCP while the Service and NMFS completed the EA. Drafts of both documents were made available for public review during a 30-day public comment period between March 5, 2008, and April 4, 2008, via a *Federal Register* Notice. The draft documents were also available during this time at the Dayton Public Library in Dayton, Washington, and on the Service’s website for the Upper Columbia Fish and Wildlife Office. The Service also announced the availability of the documents in a news release distributed to more than 30 entities, including elected officials, media outlets, and various agencies; and in e-mails distributed to more than 60 technical and private entities involved in watershed planning issues in southeast Washington and northeast Oregon. The Service received two comments: one via e-mail from a private citizen; and one via e-mail from the Washington Department of Fish and Wildlife, a state agency. These two comments did not result in changes to the EA or HCP and are addressed in the Service’s Findings and Recommendations document for this proposed action.

### **CONCLUSIONS**

Based on a review and evaluation of the information contained in the Plan, supporting references, the Service’s Findings and Recommendations document for this proposed action, and public comments, I have determined that the Proposed Action Alternative is not a major Federal action that would significantly affect the quality of the human environment, within the meaning of section 102(2)(c) of NEPA. Accordingly, the Service is not required to prepare an environmental impact statement for this action. Furthermore, I have found that implementing the Proposed Action Alternative will have no significant impact on any of the environmental resources identified in the EA. Generally, since the BLC is already implementing many of the HCP conservation measures in the covered area, implementation of the Proposed Action Alternative is not expected to have a large impact on any of the analyzed resources (i.e., expected adverse and beneficial impacts will be small relative to the affected environment).

This Finding of No Significant Impact and supporting references are on file and are available for public inspection, by appointment, at the following U.S. Fish and Wildlife Service offices:

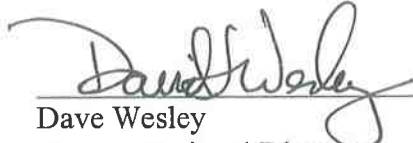
Upper Columbia Fish and Wildlife Office  
11103 East Montgomery Drive  
Spokane, Washington 98206

Contact: Michelle Eames

Pacific Regional Office  
911 NE 11<sup>th</sup> Avenue  
Portland, Oregon 97232  
Contact: John Nuss

FILE COPY

Interested and affected parties are being notified of our decision.



Dave Wesley  
Deputy Regional Director  
U.S. Fish and Wildlife Service, Region 1

9/18/08  
Date

**Documents Incorporated by Reference**

Broughton Land Company Final Environmental Assessment and Native Fish Habitat Conservation Plan, April 23, 2008.

U.S. Fish and Wildlife Service. 2008a. Biological Opinion for the Proposed Issuance of a Section 10(a)(1)(B) Incidental Take Permit (TE-165744-0) to the Broughton Land Company for their Native Fish Habitat Conservation Plan (Reference Number: 1-9-08-F-0108; August 13, 2008).

U.S. Fish and Wildlife Service. 2008b. Findings and Recommendations Regarding the Proposed Issuance of an Endangered Species Act Section 10(a)(1)(B) Incidental Take Permit in Association with the Broughton Land Company Native Fish Habitat Conservation Plan, Dayton, Washington.